

## REMARKS

Claims 15-26, 28 and 30-31 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Cipkowski, which was cited as disclosing a wick mounted to a cap and extending into the liquid sample space, and the Examiner referred to column 3, line 23 to column 4, line 65. Cipkowski discloses a drug abuse test kit including a cup 11 having an outer cover 22, an inner closure member 15 with a slit 19 for receiving a test card 25, as shown in Fig. 1. In another embodiment shown in Fig. 8, the outer cover 38 is provided with the slit 39 through which the drug test card is inserted. If the sample is to be shipped in the cup, the outer cover is replaced with a solid cover. However, at column 4, lines 30-38, it is pointed out that the test cup is closed by inserting the inner closure insert 15, and the slit is covered with a removable adhesive drug strip. When the test is to be performed, the protective strip is removed, and the test card is inserted through the slit. In the embodiment of Fig. 8, the test cup would be closed similarly with the slotted outer cover 38, and the test card is inserted in the slit. In both cases, there is no disclosure, teaching or suggestion that the test card is mounted to either the inner closure insert or the slotted outer cap.

Claims 15 and 20 recite "a wick mounted to said cap and extending into said liquid sample space of said interior sample chamber when said cap is placed on said container." It is respectfully submitted that while the test card of Cipkowski may be disposed in the inner closure insert or the slotted outer cover, Cipkowski does not disclose, teach or

suggest mounting a wick to a cap so as to extend into a liquid space of a sample chamber of a container when the cap is placed on the container, as is claimed.


Claim 25 similarly recites "a collection vial for receiving a liquid sample, said collection vial including means for engaging said test strip holder." It is respectfully submitted that the slit of the inner closure insert and the slit of the outer cover of Cipkowski do not include a means for engaging a test strip holder, as is claimed. It is therefore respectfully submitted that Claims 15-26, 28 and 30-31 are novel and inventive over Cipkowski, and that the rejection of Claims 15-26, 28 and 30-31 on the grounds of anticipation by Cipkowski should be withdrawn.

In light of the foregoing remarks, favorable reconsideration of the application and an early favorable action are respectfully requested.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:



David G. Parkhurst

Registration No. 29,422

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201